

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRIAN CLAIBORNE,

Plaintiff,

v.

THE CITY OF SEATTLE, et al.,

Defendants.

CASE NO. C06-1061RSM

ORDER ON DEFENDANTS' MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT

The matter is before the Court for consideration of defendants' motion for partial summary judgment, Dkt. # 24. Defendants request that the Court dismiss several of plaintiff's claims under 42 U.S.C. § 1983. In response to the motion, plaintiff concedes to dismissal of his claims against the individual defendant, Officer Hunt, for false arrest and unlawful seizure. He also agrees to dismissal of all claims against the Seattle Police Department. As to his claims against the City of Seattle, however, plaintiff requests a continuance of this motion so that he has an opportunity to depose the Rule 30(b)(6) designee for the City of Seattle and thereby obtain evidence to support his claims. The deposition was noted for June 15, 2007, the noting date for the motion for partial summary judgment.

Defendants have opposed a continuance, arguing that plaintiff has not identified any evidence he seeks to obtain, as required under Fed.R.Civ.P. 56(f). However, the Court finds it is in the interest of justice to allow plaintiff an opportunity to support his claims against the City with evidence from the

ORDER ON MOTION FOR PARTIAL  
SUMMARY JUDGMENT - 1

1 deposition.

2 Accordingly, it is hereby ORDERED:

3 (1) Defendants' motion for summary judgment on the § 1983 claims against Officer Hunt and the  
4 Seattle Police Department is GRANTED, and these claims are DISMISSED;

5 (2) The remaining motion for partial summary judgment shall be RE-NOTED on the Court's  
6 calendar for August 10, 2007. Plaintiff may file a supplemental response to the motion on or before  
7 August 6, and defendants' reply shall be due August 10.

8 Dated this 20<sup>th</sup> day of July, 2007.

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10 RICARDO S. MARTINEZ  
11 UNITED STATES DISTRICT JUDGE  
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